

REMARKS

Claims 1-12 are pending in this application. By this Amendment, claims 2 and 4 are amended.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) satisfy a requirement of form asserted in the previous Office Action; (d) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (e) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Claims Satisfy All Formal Requirements

The Office Action objects to claims 2 and 4. Claims 2 and 4 have been amended to obviate this objection.

II. Claims Define Patentable Subject Matter

The Office Action rejects claims 1-12 under 35 U.S.C. §102(b) over U.S. Patent No. 5,682,227 to Taguchi et al. ("Taguchi"). This rejection is respectfully traversed.

Taguchi does not disclose determining if at least a predetermined manufacturing process for exploiting a property, licensed by a license agreement, out of a plurality of manufacturing processes has been executed, as recited in independent claim 1.

Instead, Taguchi discloses a method wherein (1) only the number of papers copied from a book with copyright is counted for the royalty, irrespective of a process for copying them, and (2) in order to determine if the book can be copied under the copyright,

information indicative of the copyright, such as a barcode or ID code is required, and means capable of reading the same, such as a barcode reader or ID code counter, is required.

The Office Action notes the description of col. 32, lines 10-26, and col. 36, lines 7-15 of Taguchi, comparing with a step of independent claim 1 of the present invention, "determining if at least a predetermined manufacturing process for exploiting a property, licensed by a license agreement, out of a plurality of manufacturing programs corresponding to the plurality of manufacturing processes has been executed" (emphasis added). Also, the Examiner has noted the description of col. 32, lines 10-26 of Taguchi, comparing with another step of claim 1 of the present invention, "storing the number of operations executed for manufacturing the products according to the predetermined manufacturing process, when it is determined that the predetermined manufacturing process has been executed" (emphasis added).

However, see e.g., col. 31, lines 21-27 of Taguchi and col. 32, line 63 through col. 33, line 7 of Taguchi. That is, in the former it is described that

"As stated earlier, the MFDS is operable in one of two modes, i.e., in the book document read mode or the sheet document read mode (ADF mode and cover plate mode) (see Fig. 58). The present invention allows, in the book document read mode, an ID card recognition mode or a bar code recognition mode to be set up so as to manage the royalty (see Fig. 59)".

In the latter it states

"While the book document read mode is capable of managing the royalty, the sheet document read mode (ADF mode and cover plate mode) allows the usual copying operation to be effected. Specifically, when only the book document mode and cover plate mode are set up (without the ADF mode), the mode is determined on the basis of the status of the book document sensor 27 located at the reference position section 24, as follows. (1) If the sensor 27 is ON and the book document mode is set up, counting means counts the number of times that the read sensor unit 9 scans the book document or the number of times that the memory controller 342 outputs image data read by the read sensor unit 9. (2) If the sensor 27 is OFF and the cover plate mode is set up, the counting means does not

count the above mentioned number of times. In each of the mode subroutine, if the read start key is not pressed, the program returns without executing any processing".

Regarding claim 2, the Examiner notes the description of col. 34, lines 48-52 of Taguchi. However, prior to the description of col. 34, lines 48-52, it is described in col. 32, line 63 through col. 33, line 7 of Taguchi that

"Subsequently, commands are interchanged by serial communication to see if an ID code has been read out of the ID card. If the ID code has not been read out, the program returns after setting the NG flag. If the ID code has been read, whether or not it permits the book document to be copied is determined. If the ID code does not permit it, a command is sent to the operation and display board 313 to display an error message, e.g., "NOT PERMITTED TO COPY". If the ID code permits the book document to be copied, the program selects the address of a counter assigned to the ID code and provided in the external RAM 332 and then returns to the routine. The counter in the external RAM 33 counts the number of copies produced with a book document on an ID code basis".

This means that it is required to read the IC code when counting the number of papers of a book copied under the copyright, which prohibits a copier without any license under the copyright from copying the letters appeared on papers of the book.

In contrast, according to the presently claimed invention, the property may include a copyright to be licensed with respect to the software for the manufacturing program, assisting program or the like, as described in page 24, lines 3-5 of the specification. In other words, the property to be licensed according to the invention of claims 1 and 6 do not relate to the result or product of the process, but relates to the manufacturing process. According to the present invention, therefore, "a device operated according to the predetermined manufacturing process" as defined in claims 3 and 8, has been employed, whereas the barcode reader or ID card reader is required in Taguchi to count the number of papers of the book copied under the copyright. It is apparent that the device operated according to the predetermined manufacturing process in the present invention, such as a clamp device (see:

page 21, line 4-18 of the original present specification), is entirely different from the barcode reader or ID card reader required in Taguchi, which does not relate to any manufacturing process nor copying process, but relates to the context of the copied paper.

Thus, it can be concluded that in the cited references including Taguchi, the method for counting the number of papers copied under copyright to the letters described on them has been proposed, to collect the royalty for the copyright.

In contrast, the invention of claims 1 and 6 are directed to the method for monitoring the status of manufacturing products according to a predetermined manufacturing process that results in exploitation of a property licensed by a license agreement. It is believed, therefore, that the step of "determining if at least a predetermined manufacturing process for exploiting a property, licensed by a license agreement, out of a plurality of manufacturing programs corresponding to the plurality of manufacturing processes has been executed" can be clearly distinguished over the prior method for counting the number of papers copied under the copyright to the letters on them.

III. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Michael Britton
Registration No. 47,260

JAO:MB/gew

Attachment:
Petition for Extension of Time

Date: June 3, 2003

OLIFF & BERRIDGE, PLC
P.O. Box 19928
Alexandria, Virginia 22320
Telephone: (703) 836-6400

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